

**DATE:** April 17, 2002

**TO:** Division of Drinking Water Staff

**THROUGH:** Robert B. Taylor, P.E., Division Director  
Division of Drinking Water

**FROM:** G. W. Peaks, P.E., Director of Technical Services  
Division of Drinking Water

**SUBJECT:** Water – Procedure – Permits- Policy for Permitting Waterworks  
Delete Working Memo 828

This memo establishes the official policy and guidance of the Division of Drinking Water concerning permitting waterworks. Clarification is provided with respect to the classification of waterworks as either a community water system or a noncommunity water system. In addition, this memo further addresses the delineation of a noncommunity water system into its own subclassifications, nontransient noncommunity water system or transient noncommunity water system. Finally this memo provides guidance on "**serves the public**" waterworks.

These policies are established to clarify the long-standing discrepancies regarding State and Federal Regulations **and is based on reason, common sense, and staff constraints.**

For easy reference, relevant definitions from the *Code of Virginia (Code)* and the *Waterworks Regulations* are repeated below.

- The *Code* is § 32.1-167 and the *Waterworks Regulations* is 12 VAC 5-590-10 states – “*Waterworks*’ means a system that serves piped water for drinking or domestic use to (i) the public (ii) at least fifteen connections or (iii) an average of twenty-five individuals for at least sixty days out of the year. The term ‘waterworks’ shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered.”
- **The Waterworks Regulations** in VR 355-18-001,02, § 1.2 (old designation) or 12 VAC 5-590-10 (new **Virginia Administrative Code** designation) contains the following definitions.

“**Community Water System** – means a waterworks which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.”

**“Noncommunity Water System** – means a waterworks that is not a community waterworks but operates at least 60 days out of the year.”

**“Nontransient Noncommunity Water System (NTNC)** – means a waterworks that is not a community waterworks and that regularly serves at least 25 of the same people over 6 months out of the year.

The classification **nontransient noncommunity water system** is a subset of the **noncommunity water system** classification. An inferred subset of the **noncommunity water system** definition is the **transient noncommunity water system**, which is not defined in the *Waterworks Regulations* but which is defined as follows.

- **Transient Noncommunity Water System** – means a noncommunity water system that is not a nontransient noncommunity water system. These waterworks serve at least twenty-five individuals (transient consumers) daily for at least sixty days out of the year.

The classification **serves the public** is also not defined in the *Waterworks Regulations* but is an inferred subset of the **transient noncommunity waterworks** definition since it is a waterworks, but clearly not a community waterworks, nor would it normally meet the NTNC criteria.

**Serves the public** means that the owner of an establishment, facility, or other entity provides the means by which the public, including employees, may obtain water for drinking. This would include the use of drinking fountains, water dispensed at soda machines, providing cups of water upon request, or providing cups adjacent to a faucet for obtaining water for human consumption. This requires a conscious decision on the part of the owner of that establishment to provide water to the consuming public, whether they are employees or others. Also, drinking water is simply water that is made available for drinking purposes. Drinking water does NOT include iced tea, coffee, or any other drinks made by mixing with water, ice, water processed through machines (vending machines), or foods that contain water. These are considered food products and not drinking water and therefore may be addressed by other applicable regulations. Providing drinking water does NOT mean providing drinking water via bottled water.

It is our policy to only permit transient noncommunity waterworks serving the public drinking water (domestic use intentionally deleted) with the public further defined as serving at least twenty-five individuals daily for at least sixty days out of the year.

It is our policy to only permit systems serving churches or similar organizations that have permanent staffs of at least twenty-five or have day care or school facilities or similar activities.

In addition, a system designed, constructed and issued a permit to serve piped water for drinking or domestic use to fifteen or more connections in accordance with the provisions of the ***Waterworks Regulations*** is a waterworks independent of the actual number of connections. A waterworks operation permit may be revoked at the request of the owner if the owner makes the request in writing and states that the system will not serve fifteen or more connections or twenty-five individuals at least sixty days out of the year.

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